

## **PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD**

**MONDAY, February 24, 2003**

**3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II**

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Kreider, Raser, Senhauser, Spraul-Schmidt, and Sullebarger present. Absent: Bloomfield, Borys, Clement, and Wallace

### **MINUTES**

The minutes of the Monday, February 10, 2003 meeting were approved (motion by Spraul-Schmidt, second by Sullebarger).

### **DISCUSSION: COUNCILMEMBER BOOTH'S PROPOSAL TO REMOVE THE HISTORIC CONSERVATION OVERLAY FROM THE OVER-THE-RHINE (NORTH) AND (SOUTH) HISTORIC DISTRICTS**

Urban Conservator Forwood informed the Board that Councilmember Booth presented two ordinances to Council as By-Leave Items on February 12, 2003. The ordinances propose removing the designation of the Over-the-Rhine (South) and (North) Historic Districts as historic overlay districts. The ordinances were referred to the Neighborhood and Public Services Committee (which is chaired by Councilmember Booth) and the City Planning Commission (CPC). Mr. Forwood noted that the ordinances contain no clauses explaining the purpose or motivation of the proposed de-designation.

At its February 21, 2003 meeting, the CPC referred the ordinances to the Historic Conservation Board (HCB). Mr. Forwood explained that the process for de-designation of an historic district is the same as for the designation of a district. Staff must prepare a de-designation report and public hearings are required. After the public hearing, the HCB makes a recommendation to the CPC. The CPC then votes to approve or disapprove the de-designation. If the CPC's recommendation is unfavorable, a two-thirds majority is required by Council for the ordinance to pass.

Testimony regarding the ordinances will be heard at the Neighborhood and Public Services Committee meeting on February 25, 2003 at 11:00 a.m. In addition, Councilmember Booth has requested a written departmental response regarding the ordinances prior to this meeting. Mr. Forwood pointed out that no action could be taken at the Committee meeting since a formal de-designation process is required.

Mr. Kreider suggested that the Board not put anything in writing until it hears why the motion was made. Written communication can come from the Board as part of the de-designation process, if the motion is not withdrawn. Mr. Forwood replied that at this time, Councilmember Booth has only requested written communication from staff. Mr. Forwood anticipated that the response would consist of a statement of facts including an outline of the process for obtaining a Certificate of Appropriateness (COA), specifically how the Over-the-Rhine (North) and (South) Historic Districts were designated, as well as the connection the districts have with the Over-the-Rhine Comprehensive Plan and the expiration of the Neighborhood Housing Retention Ordinance.

Mr. Forwood summarized the statistics to be presented in the report. In 2002, there were 243 building permits applied for in the Over-the-Rhine area. With 24 having been expired or withdrawn, there were 219 complete permit applications. 200 of these were approved at staff level. The HCB reviewed 19 applications: 6 were for zoning variances only and 13 were for COAs. The HCB approved 17 of the 19 applications. The two denied included a sign having been installed without a permit and requiring T-Zone approval and the zoning variance required for the parking lot at 13<sup>th</sup> and Jackson Street. If the statistics are broken down between both districts, 100% of the 104 applications in the Over-the-Rhine (North) Historic District were approved.

Mr. Forwood added that citywide in 2002, there were applications for 532 permits. 43 of these were withdrawn. Staff approved 466 of the 489 complete applications. The HCB reviewed 52 applications for COAs and 26 for zoning variances. 49 were approved. The Board denied three applications. The three included the two in Over-the-Rhine mentioned previously and one for windows installed without a permit on Main Street.

Mr. Forwood noted that he recalled only four appeals to City Council in the last five years, including one by a neighbor of the applicant. The Zoning Board of Appeals upheld two and Council overturned the Board's decisions on two COAs.

Since the creation of the historic districts, there have been a total of 310 Tax Act projects. There were 44 in the first five years (1983-1987); 50 in the next five years (1988-1992); and 54 projects from 1993-1997. In the past five years, there have been a total of 119 projects. Mr. Raser commented that he feels there is a legitimate misunderstanding from the public and elected officials regarding the difference between the local and national historic districts guidelines, and what is required when voluntarily applying for federal Tax Act credits. Mr. Senhauser added that the HCB has in fact been liberal with window-related decisions, but that the federal standards used by the State to review projects seeking Tax Act credits are more restrictive. Mr. Forwood said he would also indicate in his report the difference between the historic district guidelines and federal standards required for Tax Act certification, as well as the difference between the historic process in obtaining a COA and getting a permit issued through the Department of Buildings and Inspections.

Mr. Kreider suggested that given the interest in expediting the permit process it is important to note that the HCB is empowered to render zoning decisions at the same time as granting COAs. The Board noted that eliminating a district will not do away with required zoning variances, nor will it stop the 106 Review Process.

Mr. Forwood stated that the CPC discussed Councilmember Booth's proposed ordinances at their meeting on February 21, 2003 and did not support the de-designation. He added that in considering a recommendation to Council, the CPC would look at the impact de-designation would have on development; whereas, the HCB would judge whether the district was no longer eligible.

The Board discussed other points to convey to the Committee. Mr. Kreider indicated the importance of showing that the HCB has been supportive of development in Over-the-Rhine. Mr. Senhauser added that the local historic districts support the objectives of the Over-the-Rhine Comprehensive Plan. Staff member Adrienne Cowden commented that significant investment has been made based on the

existence of the overlay, with Mr. Senhauser agreeing that last year 219 people thought these districts would be in place and made their investments on that basis. Ms. Sullebarger emphasized the importance of completing the pre-approved lists of windows and other building products to help expedite approvals.

Mr. Forwood surmised that if the motion were withdrawn, changes would be expected showing proactive measures are being taken to facilitate development in the area. An initiative currently underway by the Historic Conservation Office includes mapping contributing and non-contributing buildings within Over-the-Rhine. Buildings scheduled for demolition by Buildings and Inspections will also be included. This will assist in targeting prime areas for development, and respond to the administration's focus on promoting the development of infill housing. Additionally, Mr. Forwood proposed that the HCB consider the creation of subdivisions within the historic districts where there can be greater concentration for reviews in select areas, e.g., Findlay Market, and looser restrictions in areas of high concentration of non-contributing buildings. The Board noted that historic conservation is not hindering development in the area; the crime rate and lack of a market economy are the core problems.

Mr. Senhauser asked the Board to consider the appropriateness or inappropriateness for a board member to advocate/lobby on an issue, given that they are appointed by the City Manager and questioned whether one should express an opinion as a board member or as an individual. He noted that in the review process, board members are not policy makers, but are making decisions based on written guidelines. Mr. Kreider stated that board members are appointed based on their knowledge about the subject matter, and therefore should be expected to have opinions about the subject.

#### **ADJOURNMENT**

As there were no other items for consideration by the Board, the meeting adjourned.

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William L. Forwood  
Urban Conservator

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John C. Senhauser  
Chairman

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Date